


CLAIM OF: **MICHAEL WALKER, ON BEHALF  
OF HIS DECEASED SPOUSE,  
ELAINE WALKER  
THROUGH HIS ATTORNEY,  
NOAH S. ROSNER, ESQ.  
ROSNER LAW GROUP  
5505 Roswell Road, Suite 350  
Atlanta, Georgia 30342**

For damages alleged to have been sustained from a  
wrongful death incident on May 10, 2008 at 1500 Aviation  
Boulevard.

THIS ADVERSED REPORT IS APPROVED

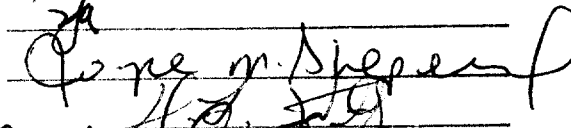
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

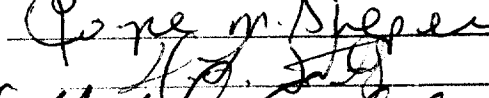
## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

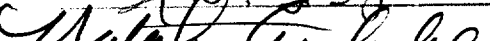
DATE: 1/12/10

CHAIR: 









JAN 19 2010

**CERTIFIED**  
JAN 20 2010  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

Notarized Clerk

JAN 20 2010

Notarized by

CITY COUNCIL  
ATLANTA, GEORGIA

January 29, 2010

Noah S. Rosner, Esquire  
Rosner Law Group  
5505 Roswell Road, Suite 350  
Atlanta Georgia 30342

**10-R-0098**

**RE: Michael Walker**

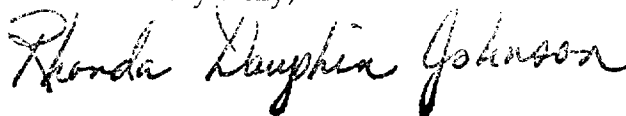
Dear Attorney Rosner

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 19, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,



Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## SDEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L0933

Date: November 4, 2009

Claimant /Victim MICHAEL WALKER, ON BEHALF OF THE DECEASED SPOUSE, ELAINE WALKER

BY: (Atty) (Ins. Co) Noah S. Rosner, Esq. Rosner Law Group

Address: 5505 Roswell Road, Suite 350, Atlanta, Georgia 30342

Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified

Date of Notice: 10/22/08 Method: Written, Proper X Improper       

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 5/10/08 Place: 1500 Aviation Boulevard

Department FIRE Bureau:        Office:       

Employee involved Lt. Carl Rowland, F.A.O. Anthony Campbell Disciplinary Action:       

NATURE OF CLAIM: Claimant Michael Walker alleges that he sustained damages when the wrongful death of his spouse, Elaine Walker, occurred as a result of EMS/ECHO personnel failure to provide her with proper medical care and transportation to the local hospital. However, an investigation has determined that a lawsuit has been filed to resolve the issues of this claim.

Statements: City employee        Claimant        Others        Written        Oral       

Pictures        Diagrams        Reports: Police X Dept Report X Other X

Traffic citations issued: City Driver        Claimant Driver       

Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial       

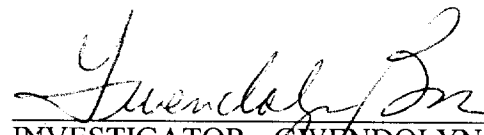
Improper Notice        More than Six Months        Other X Damages reasonable       

City not involved        Offer rejected        Compromise settlement       

Repair/replacement by Ins. Co.        Repair/replacement by City Forces       

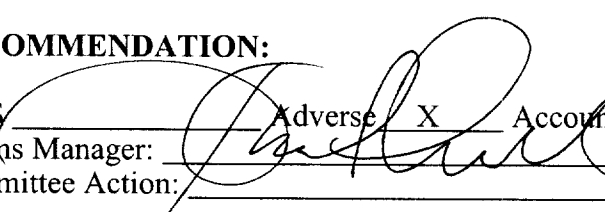
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

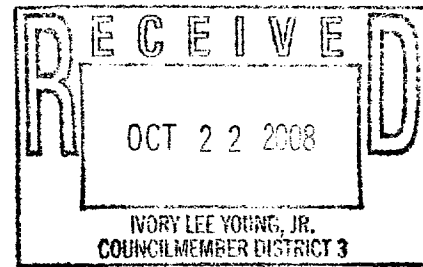
### RECOMMENDATION:

Pay \$        Adverse X Account charged: General Fund        Water & Sewer        Aviation       

Claims Manager:  Concur/date 01/06/10

Committee Action:        Council Action

ROSNER LAW GROUP  
Attorney at Law  
5505 Roswell Road  
Suite 350  
Atlanta, Georgia 30342  
Tel (678) 553-1050  
Fax (678) 553-1060

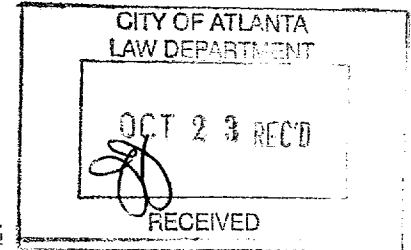


October 12, 2008

**ANTE LITEM NOTICE**

VIA CERTIFIED MAIL

**ENTERED - 10-28-08 - SB**  
**08L0933 - G. BURNS**



City of Atlanta  
Attn: Ivory Lee Young, Jr., Atlanta City Council  
55 Trinity Street  
Atlanta, Georgia 30303

*BURNS*  
*10/27/08*  
*[Signature]*

Re: My Clients: Michael Walker and the Estate of  
Elaine Walker  
Date of Death: May 10, 2008

Dear Sir/madam:

Please be advised that I have been retained to represent the above named claimants as a result of the wrongful death of Mrs. Elaine Walker that occurred within the confines of Fulton County, Georgia. Please direct any and all future correspondence regarding the above matter to my attention at the above address.

Pursuant to O.C.G.A. 36-11-1 et seq, as well as 33-36-5 et seq., please note the following: On or about May 10, 2008, at approximately, 5:00 - 5:30 a.m., Mrs. Elaine Walker arrived for work with Gate Gourmet, which is located at or near the Hartsfield International Airport. At this time, she began experiencing heart pain, difficulty breathing, and shortness of breath. Fellow co-worker(s) contacted 911 telephonically, and shortly thereafter, EMS/ECHO personnel arrived to evaluate Mrs. Walker's medical condition. However, despite her obvious discomfort and pain, the EMS/ECHO personnel failed to provide Mr. Walker with proper medical care, and failed and/or refused to provide her with transport to the local hospital. Thus, Mrs. Walker was transported to Southern Regional Medical Center by co-workers, and she expired while enroute to the hospital.

Mr. Michael Walker is the surviving spouse of Mrs. Elaine Walker, and the basis for this claim is as follows: the EMS personnel failed and or refused to render proper medical aid to

Mrs. Elaine Walker, resulting in her untimely demise and/or undergoing severe injuries and pain as a result of same. The EMS personnel failed to take corrective measures and/or action, or took such action in a negligent manner, which resulted in injuries and/or death of Mrs. Elaine Walker.

Please refrain from any future contact with my client(s). All future communications on this claim must be made exclusively through our office. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Noah S. Rosner

NSR:dkm

cc: Michael Walker

RCS# 17  
1/19/10  
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I